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Paper No. 8

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DEC 3 1 2002

OFFICE OF PETITIONS

In re Application of
Furuta et al.
Application No. 10/014,345
Filed: December 14, 2001
Attorney Docket No. 21708US-8

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: DECISION GRANTING
: PETITION
:
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This is a decision on the petition filed November 29, 2002, under 37 CFR 1.182, which is being treated under the provisions of 37 CFR 1.181(no fee) as a petition requesting a review of the treatment of this application by the Office of Initial Patent Examination (OIPE) such that the above-identified application be accorded a filing date of December 14, 2001, with the correct specification, claims, and formal drawings filed on that date..

The petition is **granted**.

Petitioner asserts, and a review of this file record confirms, that on December 14, 2001, the instant application papers deposited with the USPTO included a specification of 36 pages, having 18 claims, and 18 sheets of drawings. Also included, as part of an IDS filed on the same date, was a copy of a pending related US application, clearly marked (on page 1) as such. Unfortunately, and inadvertently, OIPE processed the enclosed copy of the pending related application as the specification and claims for the above-identified application. The proper oath, application data sheet, and drawing sheets were correctly processed. The error is regretted.

This application is being forwarded to OIPE, Customer Corrections, for correction of USPTO records, further processing, and issuance of a corrected filing receipt, using the specification of 36 pages, having 18 claims, present on December 14, 2001.

As no petition fee is due the \$130 already charged has been credited to counsel's deposit account No. 15-0030.

Telephone inquiries specific to this decision should be directed to the undersigned at (703) 305-1820. Inquiries related to OIPE processing should be directed to OIPE at (703) 308-1202.

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy